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SUBJECT: UNHCR'S FELLER READOUT ON VISITS TO THAILAND AND LAOS

REF: VIENTIANE 364

SENSITIVE BUT UNCLASSIFIED. PLEASE HANDLE ACCORDINGLY.

¶1. (SBU) Summary. UNHCR Assistant High Commissioner Erika Feller told the Bangkok diplomatic corps on May 3 that she thought a Thai-Lao solution to the issue of the 155 Nong Khai Hmong might be possible soon if the concerns of the two sides were addressed. She stated that she believed both sides now recognized that UNHCR's views on this issue must be considered. Her reception by the Lao was friendly and she thought her visit represented an advance in UNHCR's relations with the Lao. The Hmong issue has led the Thai to reconsider UNHCR's overall screening of refugees in Thailand. End summary.

¶2. (SBU) On May 3, UNHCR Assistant High Commissioner for Protection Erika Feller briefed the diplomatic corps on her just-completed mission to Thailand and Laos.

¶3. (SBU) In discussions on the 155 Hmong in the Nong Khai Detention Center, Feller said that RTG officials told her they had four concerns: they did not want to create a pull factor; they did not want to increase the trafficking problem by rewarding those who had assisted Hmong to leave Laos for Thailand; they did not want to endanger their hard-won bilateral agreement with Laos on border issues; and they did not want to undermine the principle of the supremacy of national law in resolving similar problems of this nature. Feller said the Lao government had similar views on trafficking, the bilateral agreement and national law. The Lao also said they were concerned about their international image of being a humanitarian country that protects the interests of minority people.

¶4. (SBU) Feller asserted that despite their concern with not undermining bilateral arrangements and national law, both countries now seemed to agree that UNHCR was also a legitimate stakeholder that had a role to play. She said that General Winai Phatthiyakul, the Secretary General of the Thai Council of National Security, stated that the RTG was prepared to find a solution to the Nong Khai Hmong issue and that UNHCR should assume that the 155 Hmong would not be sent back to Laos. He asked if the entire group could be sent to one resettlement country. Feller said she responded that that was unlikely and proposed instead that they all might leave for one country where their cases could be completed before resettlement to their final destinations.

¶5. (SBU) Feller said she received the impression that the RTG would not allow the group to be moved to another, better location within Thailand until a final resolution was worked out. Winai asked Feller to get confirmation from the Lao that they would not insist that the 155 be returned to Laos. Feller said she did not get the same unequivocal statement from the Lao on this matter that she received from Winai. At the same time, she said it should not be underestimated that she had been invited to Laos with the Lao knowing that the 155 would be an issue. This was an advance.

¶6. (SBU) Feller said that the Lao told her that a resolution on the

155 must be a win-win solution. She noted that the next Thai-Lao border committee meeting would occur on May 18. Feller said she encouraged both sides to solve the issue as a humanitarian gesture and thought a solution at that time was possible, though not guaranteed, if the two sides could cast a solution as a bilateral agreement under the auspices of the bilateral border committee.

17. (SBU) Feller said she was generally surprised at the friendliness of the Lao reception. The Lao seemed to want to make sure their position was understood. They also seemed to listen carefully. In their final exchange, Feller noted that the Lao said they believed UNHCR understood their position and vice versa. She said she thought UNHCR's views would be considered during the Thai-Lao border discussions.

18. (SBU) On the multilateral proposal recently given to the RTG by interested governments and the United Nations on the larger issue of the Hmong in Petchaboon Province, Feller said her RTG interlocutors said that they accepted that screening of the group must occur. The wishes of the group had to be ascertained. A solution with Laos must then be built around those wishes. Feller noted that the challenge will be the screening criteria and how they are implemented. Feller said she also told the Thai that in addition to the Nong Khai and Petchaboon Hmong, there were about another 250 Hmong persons of concern in Bangkok for whom a solution was necessary. Feller noted that UNHCR last November had stopped registering Lao-Hmong at RTG request.

19. (SBU) Feller stated that the Lao-Hmong problem led the RTG during her visit to raise the question of UNHCR's general Refugee Status Determination (RSD) activities in Thailand. Feller emphasized that she told the Thai that UNHCR had a mandate given by the international community to protect refugees and it would carry out that responsibility as long as it had an office in Thailand. In response, her RTG interlocutors said that they were considering whether conditions should be imposed on RSD. They noted that they were working on a draft Aide Memoire which would be presented to UNHCR in several weeks. She noted that the Thai asked whether UNHCR carried out similar activities in other countries, including in the U.S. along the Mexican border and in southern Europe.

10. (SBU) Comment. All signs continue to be encouraging that the 155 Hmong in Nong Khai will not be sent back to Laos, but it is still unclear how UNHCR, Thailand, and Laos will work this out with the resettlement countries. Embassy will be in close contact with UNHCR and the RTG regarding developments on UNHCR's RSD activities in Thailand.

Boyce